THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26143 of 2005

–

DATED 07.12.2005

Between:

Mohamad Shoyab.

..... PETITIONER

AND

Government of A.P., rep. by its Prl., Secretary, panchayat Raj Dept., Secretariat, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26143 of 2005

O R D E R:

The petitioner states that for running Animal Slaughter House at Gajularega village, Vizianagaram District, the Director of Directorate of Animal Husbandry, Hyderabad, issued No Objection Certificate on 08.12.1996 subject to the condition that slaughter should be done in accordance with the A.P. Animal Preservation Act, 1977 (for short, "the Act") including anti and post-mortem examinations to be done by the Government Veterinary Assistant Surgeon for certificate for passing of animals for slaughter as required under the Act. While so, the Secretary, Gram Panchayat, Gajularega, issued a notice stating that on consideration of the reports submitted by the village elders and the Upasarpanch, and also the note submitted by the Sarpanch, it passed the

resolution on 29.09.2005 cancelling the licence granted to the petitioner for the year 2005-2006 for running the slaughter house situated within the Gajularega Gram Panchayat and to remove the slaughter house as the said slaughtering was done without any certification from the Government Veterinary Surgeon and thereby caused pollution to air and water, which is in violation of the rules and regulations. Pursuant to the resolution dated 29.09.2005 passed by the Gram Panchayat, a consequential notice dated 30.09.2005 was issued preventing the petitioner from slaughtering the animals and to remove the slaughter house from the Gajularega village. Aggrieved by the resolution dated 29.09.2005 of the Gram Panchayat, Gajularega, Vizianagaram and consequential notice dated 30.09.2005 issued by the Secretary, Gram Panchayat, the petitioner preferred a revision on 22.10.2005 before the Government. As the said revision was not disposed of, the petitioner filed the present writ petition.

Since the revision preferred by the petitioner is pending consideration before the Government, he cannot be permitted to prosecute two parallel proceedings in respect of the very same cause of action.

In view of the facts and circumstances of the case, the writ petition is disposed of with a direction to the Government to consider and dispose of the revision, if any, preferred by the petitioner, in accordance with law, after hearing the petitioner as well as the respondents 2 and 3. No order as to costs.

07.12.2005

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